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Local Rules of the Superior Court  
for Cowlitz County

Table of Rules

Part I.

Rules of General Application  
GENERAL RULES  
(CCLGR)

22 Access to Family Law Court Records

Part IV.

RULES FOR SUPERIOR COURT

Administrative Rules  
(CCLAR)

1 Departments of Superior Court  
8 Court Organization and Management  
9 Court Record - Deleted

Civil Rules  
(CCLCR)

II. Commencement of Action; Service of Process, Pleadings,  
Motions And Orders (Rules 3-6)

4.2 Pleas  
5 Service and Filing of Pleadings and Other Papers

III. Pleadings and Motions (Rules 7-16)

7 Pleadings Allowed; Form of Motions  
9 Pleading Special Matters  
10 Form of Pleadings and Other Papers  
11 Signing and Drafting of Pleadings, Motions, and Legal Memoranda; Sanctions  
15 Amended and Supplemental Pleadings  
16 Pretrial Procedure and Formulating Issues

VI. Trials (Rules 38-53.2)

40 Assignment of Cases  
43 Taking of Testimony  
45 Subpoena  
47 Jurors  
51 Instructions to Jury and Deliberation

VII. Judgment (Rules 54-63)

56 Summary Judgment  
59 New Trial, Reconsideration and Amendment of Judgment  
65 Injunctions

X. Superior Courts and Clerks (Rules 77-80)

77 Superior Court and Judicial Officers

XI. General Provisions (Rules 81-86)

81 Applicability in General  
83 Local Rules of Superior Court

XII. Family Law (Rules 87-95)

87 Statement of Parties Positions  
88 Orders Pendente Lite  
89 Vital Statistics or Other Forms  
90 Referrals to Family Court  
91 Mandatory Settlement Conferences in Dissolution of Marriage Actions - REPEALED 9/1/2009  
92 Finalizing Family Law Cases  
93 Parenting Seminars  
94 Change of Name of Stepchild  
95 Waiver of Age to Marry

Criminal Rules  
(CCLCrR)

3. Rights of Defendants  
3.1 Right to and Assignment of Lawyer  
4.2 Pleas  
4.7 Discovery  
7.3 Judgment

Mandatory Guardian Ad Litem Rules  
(CCLGALR)  
Formerly Mandatory Juvenile Court Rules

Title III. Dependency Proceedings

3 Establishment of CASA Local Rules  
7 Guardian Ad Litem Disciplinary Procedure

Part IV.  
Rules of Appeal of Decisions of Courts  
of Limited Jurisdiction  
(CCLRALJ)

2. Initiating an Appeal  
  
2.4 How to Initiate an Appeal  
2.6 Content of Notice of Appeal

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RULE 22.  
ACCESS TO FAMILY LAW COURT RECORDS

- (d) Restricted Personal Identifiers Not Required - Except.
- (4) Should any party file an acknowledgement of paternity, that document shall be placed in the sealed portion of the court file.

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RULE 1.  
DEPARTMENTS OF SUPERIOR COURT

(a) Departments. The Superior Court of Cowlitz County shall be divided into as many departments as there are judges authorized by law. Said departments are presided over by the following judges, and each said judge shall be designated and known as judge of said department until otherwise changed by amendment of this local rule.

Department No. 1	Judge James E. Warme
Department No. 2	Judge Stephen M. Warning
Department No. 3	Judge Jill Johanson

Department No. 4      Judge James J. Stonier

Department No. 5      Vacant

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RULE 8.  
COURT ORGANIZATION AND MANAGEMENT

(a) Management. The judges of the superior court shall elect, by majority vote, a presiding judge who shall serve for a period of two years. The election will take place in December of odd-numbered years. The presiding judge's term shall commence January 1. That judge shall have all powers enumerated in GR 29.

At the same time, the judges shall elect an acting presiding judge to serve in the absence of the presiding judge.

All judges other than the presiding judge shall constitute the executive committee. The executive committee will share all the duties, responsibilities, and powers of the presiding judge.

(b) Court commissioners qualified under Article 4, Section 23 of the Washington Constitution are authorized to preside over and consider all matters in adult felony proceedings specified under RCW 2.24.040.

[Amended effective September 1, 1993; September 1, 1995; September 1, 1997; September 1, 2000; September 1, 2002; September 1, 2005; September 1, 2006.]

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RULE 9.  
COURT RECORD

[Deleted effective September 1, 2006]

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4. PROCEDURES PRIOR TO TRIAL

RULE 4.2  
PLEAS

(i) Plea by Court Commissioner. Pursuant to RCW 2.24.040(15) a duly appointed Superior Court Commissioner may accept a guilty plea in felony matters. After the guilty plea is accepted, the matter shall be referred to a judge for disposition.

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RULE 5.  
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(d) Filing.

(5) Filing Required Before Applications to Court. No motion for any order shall be heard unless the papers pertaining to it have been filed with the clerk.

(6) Trial Briefs. All legal briefs shall be timely

served and filed with the cause, and a copy thereof delivered to the trial judge in accordance with these Rules. Nothing herein contained shall be construed to restrict the right of counsel to submit supplemental briefs or memoranda of authority at any other time during the trial/hearing.

[Amended effective September 1, 2005.]

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RULE 7.  
PLEADINGS ALLOWED; FORM OF MOTIONS

(b) Motions and Other Papers.

(1) How Made.

(A) Application on Same Facts. When an order has been refused in whole or in part (unless without prejudice) or has been granted conditionally and the condition has not been performed, the same application for an order may not be presented to another judge.

(B) Subsequent Application, Different Facts. If a subsequent application is made upon an alleged different state of facts, it must be shown by affidavit that previous application was made, when and to what judge, what order or decision was made on it, and what new facts are claimed to be shown; and for a failure to comply with this requirement, any order made upon such subsequent application may be set aside, and appropriate sanctions applied.

(C) Request for Bench Warrant. In all supplemental proceedings wherein an order is to be issued requiring the personal attendance of a party to be examined in open court, and in orders to show cause for contempt, the order shall be certified and personally served on that party and must include the following words, in capital letters:

YOUR FAILURE TO APPEAR AS ABOVE SET  
FORTH AT THE TIME, DATE AND PLACE  
THEREOF WILL CAUSE THE COURT TO ISSUE A BENCH  
WARRANT FOR YOUR APPREHENSION AND CONFINEMENT  
IN JAIL UNTIL SUCH TIME AS THE MATTER CAN  
BE HEARD OR UNTIL BAIL IS POSTED.

No bench warrant will be issued in such cases for the apprehension of the cited person if said language has been omitted.

(D) Affidavits. Affidavits must be made on personal knowledge, and affidavits containing the personal knowledge of a party must be signed, under oath, by that party, not by counsel.

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RULE 9.  
PLEADING SPECIAL MATTERS

Waiver of Fees. Any request to waive or defer any fee, charge, or assessment, in whole or in part, must be made in a separate pleading seeking only that relief. The pleading will be titled to indicate that it seeks such a waiver or deferral.

The party seeking the waiver or deferral shall provide a proposed order in conformity with the motion. That order shall address no other issue.

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RULE 10.  
FORM OF PLEADINGS AND OTHER PAPERS

(a) Caption.

(4) Bench Copies of Pleadings. Any courtesy copy of a pleading provided to the court shall have the date and time of the pending hearing on the upper right-hand corner of the first page of the pleading.

(f) Date of Documents. All documents presented to a judge for signature shall provide for a date on which the document is signed, immediately above the judge's signature.

(g) Pleadings to be Dated. All pleadings, motions and other papers to be filed with the clerk shall be dated by the lawyer, party, or individual preparing the same.

(h) File Copies to be Originals; Paper Requirements. All original documents filed shall be clear, clean, legible and permanent, and typewritten on non-translucent bond paper or other paper suitable for document imaging. Printed, photocopied and other comparable reproductions are acceptable. The court may refuse to sign, and the clerk may refuse to file, any pleading not complying with this Rule.

(i) Pro Se Pleadings. Pro se pleadings and papers shall be typewritten and shall conform to the format requirements of CR 10.

(j) Sealed Pleadings. In all cases subject to GR 31, any request to seal a pleading or document other than those allowed by GR 31 shall be accompanied by a motion and order to seal and a \$20 fee. If payment is in the form of a check, it should be made payable to "Cowlitz County Clerk." The clerk does not accept personal checks.

[Amended effective September 1, 1995; September 1, 2002; September 1, 2005; September 1, 2009.]

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RULE 11.  
SIGNING AND DRAFTING OF PLEADINGS, MOTIONS,  
AND LEGAL MEMORANDA; SANCTIONS

(a) Address of Party Appearing Pro Se. A party appearing pro se shall state on all pleadings filed, a mailing address for that party, a street address where service of process and other papers may be made on that party, and a telephone number where that party can be contacted during the day unless that information is made confidential by statute. When a party appears pro se without filing a pleading or other paper, the clerk shall cause the party to insert in the file a paper, or other special indication, that the party has appeared without a lawyer and the party's mailing address, a street address where service of process or other papers may be made, and a telephone number where the party can be contacted during the day, as well as a statement by that party as to his/her position regarding the cause.

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RULE 15.  
AMENDED AND SUPPLEMENTAL PLEADINGS

(e) Interlineations.

(1) Initials and Dates. Interlineations, corrections and deletions in pleadings and all other papers filed with the clerk shall be initialed and dated by the party or counsel filing them.

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RULE 16.  
PRETRIAL PROCEDURE AND FORMULATING ISSUES

(c) Motion by Party. All requests or motions for pretrial conferences shall be heard as other civil motions.

(d) Court Order. The judge hearing the request will decide which cases would benefit from pretrial conferences, order pretrial conferences and either conduct such conferences or assign them to other judges.

[Amended effective September 1, 2002.]

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RULE 40.  
ASSIGNMENT OF CASES

(g) Trial Setting Notice. A notice of trial setting shall contain, inter alia, information of the nature of the matter to be set, the names and addresses of all lawyers involved, and the party each other lawyer represents and shall be signed by the lawyer filing it, with the designation of the party (s)he represents. Proof of service of the trial setting notice shall be filed with the clerk by the movant prior to the time of trial setting. The trial setting notice shall be in a form approved by the court.

(h) Trial Setting. No cause appearing on the assignment calendar will be set for trial unless the cause is at issue and unless at least one of the lawyers of record either personally appears or contacts the court on or before the commencement of the calendar. In the event one or more counsel to the cause fails to appear for trial setting, after being given proper notice of the application by the movant, and without advising the court, orally or in writing, of non-available trial dates, the trial date(s) assigned shall be maintained, unless the previously non-appearing counsel alone moves the court for reassignment, in which event the cause may be reassigned if good cause therefore is shown, and subject to whatever reasonable terms may be applied by the court. If no counsel appear for the assignment, the assignment request will be stricken.

EXCEPT: Counsel may have trials set without personal appearance provided they furnish a letter to the file indicating their intention not to personally appear and suggesting time preferences, restrictions, estimated length or other relevant information.

(i) Notice of Settlement or Change. Whenever a cause has been set for trial and thereafter is settled or will not be tried for any reason, or if a jury is thereafter waived, notice (available from the superior court administrator) shall immediately be given to the court and the clerk. In the event of a violation of this Rule, the court may, in its discretion, assess actual costs incurred, as a result of the violation, plus such other sanction as appears appropriate against the offending counsel.

(j) Call Calendar.

(1) The causes appearing on a motion docket shall be

called and the movant, if no one appears in opposition, may take the order moved for if approved by the court. If no one appears for a motion or petition, it shall be deemed waived and stricken.

(2) A party or his/her counsel may appear on any civil or domestic relations motion calendar via CourtCall®, except a party who has been properly served with an order to show cause or other order requiring his/her personal appearance. The responding party in that circumstance must appear in person unless otherwise ordered by the court.

[Amended effective September 1, 2002; September 1, 2005; September 1, 2006.]

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RULE 43.  
TAKING OF TESTIMONY

(1) Marking Exhibits. In all contested matters counsel shall in advance of trial, where practical, cause all exhibits to be marked by the clerk for identification, except such exhibits which are intended only for impeachment purposes.

(m) Documentary Exhibits. In any case where documentary exhibits will be used during trial in examination of witnesses and reference to the contents thereof is necessary to understand the issues, counsel should provide extra copies for use of opposing counsel and the court.

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RULE 45.  
SUBPOENA

(a) For Attendance of Witnesses. Subpoenas issued by pro se litigants must be approved by a superior court judge. The judge may choose to require an ex parte hearing to determine if the witness has legally relevant information. This Rule shall be liberally construed. The purpose of this Rule is to prevent the abuse of the subpoena process.

(g) When Excused. A witness subpoenaed to attend in any case, criminal or civil, is dismissed and excused from further attendance as soon as he has given his testimony in chief for the party in whose instance he was called and has been cross-examined thereon, unless either party makes request in open court that the witness remain in attendance. Witness fees will not be allowed any witness after the day on which his testimony is given except when the witness has in open court been required to remain in further attendance; and, when so required, the clerk shall make a minute entry to that effect, and the party making the request that the witness remain in attendance shall be solely responsible for any additional witness fees incurred by that witness as a result of that further attendance.

[Amended effective September 1, 2003.]

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RULE 47.  
JURORS

(e) Challenge.

(9) Peremptory Challenges. All peremptory challenges allowed by law shall be exercised in the following manner:

The clerk shall keep a list of jurors passed for cause and when it is complete will provide the list to counsel for the parties who will, in turn, exercise challenges by striking the name of each challenged juror without oral comment. After all challenges have been exhausted or waived, the judge will excuse those jurors who have been challenged and will seat the jury as finally selected.

The purpose of this Rule is to preserve the secrecy of peremptory challenges, and all parties and their counsel shall conduct themselves to that end, provided, however, the trial judge may modify this procedure if it is deemed appropriate.

[Amended effective September 1, 1995.]

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RULE 51.  
INSTRUCTIONS TO JURY AND DELIBERATION

(a) Proposed.

(1) When Due. Requested instructions shall be submitted to the trial judge prior to commencement of trial unless otherwise permitted by said judge.

(2) Quantity of Instructions. Requested instructions shall be in the following quantity:

(A) Original and two copies of each instruction to the trial judge, to be unassembled, unnumbered, and without citations; each instruction and its copies to be paper-clipped together. If there are more than two parties in a suit, an additional copy is to be made for each additional party.

(B) One copy with supporting citations, assembled, stapled, and numbered to be provided to each of the following:

- i. Clerk (for filing);
- ii. Judge (work copy);
- iii. Each opposing counsel (work copy).

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RULE 56.  
SUMMARY JUDGMENT

(c) Motion and Proceedings.

(1) A copy of the summary judgment motion and all supporting documents shall be delivered, on the date of filing, to the presiding judge.

(2) Any motion for summary judgment or responsive pleadings to such a motion shall list and identify all evidence the court shall consider. Where depositions or interrogatories are a part of the evidence relied upon, counsels' affidavits, briefs, and arguments must quote the portions applicable or counsel must attach copies of applicable pages of depositions or interrogatories.

(3) Summary judgments shall be heard during the court's regularly scheduled civil motion calendar; PROVIDED, if counsel anticipate that the matter may exceed one (1) hour, a special setting shall be arranged with the superior court administrator.



(4) Cross-motions for summary judgment may be brought by the responding party for hearing concurrently with the original motion, with supporting affidavits and memorandum of authorities being served and filed at least ten (10) calendar days before the hearing. A copy of such motion and supporting documents shall be delivered to the presiding judge on the date filed. A response to the cross-motion may be served and filed no later than five (5) calendar days before the hearing.

(5) Any material offered at a time later than required by this Rule over objection of counsel shall not be accepted and considered by the court except upon the imposition of appropriate terms, including the right to a continuance if requested.

(6) Counsel for the moving party (whether original motion or cross-motion) shall notify the clerk of the court no later than Thursday noon preceding the date set for hearing and advise whether the motion will in fact be argued. If such notification is not timely made, the motion will be stricken for resetting.

[Amended effective September 1, 1995; September 1, 2002.]

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RULE 59.  
NEW TRIAL, RECONSIDERATION, AND  
AMENDMENT OF JUDGMENTS

(e) Hearing on Motion.

(3) Nature of Hearing.

(A) In Cowlitz County a motion for reconsideration or for a new trial shall be submitted on briefs and affidavits only, without oral argument, unless the trial judge, on written application from counsel or on his/her own motion, allows oral argument. Copies of such motion, which must be made within the time limits set forth in CR 59, shall be delivered to the court administrator at the time of filing. Any response thereto shall be filed with the clerk and thereafter a copy delivered to opposing counsel and the court administrator within ten (10) days after the filing of the motion for reconsideration. The trial judge shall either rule and advise counsel of the ruling or advise counsel of desired further proceedings pursuant to CR 59.

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RULE 65.  
INJUNCTIONS

(b) Temporary Restraining Order; Notice; Hearing; Duration.

(1) Domestic Relations. Ex Parte orders in domestic relations matters which restrain one party from the family home or from contact with the other party or child(ren) shall not be entered unless the party requesting the same personally appears before the court and the court finds that irreparable injury could result if the order is not entered.

[Amended effective September 1, 1995; deleted effective September 1, 2005.]

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RULE 77.  
SUPERIOR COURT AND JUDICIAL OFFICERS

(d) Superior Court Always Open.

(1) Trial Hours. Sessions of trial departments, except as otherwise provided for in these Rules, shall be from 9:00 a.m. until 12 noon and from 1:00 p.m. until 5:00 p.m., Monday through Friday, unless otherwise ordered by the trial judge. Special sessions of any court may be held on Saturday, or at earlier or later times, at the discretion of the trial judge, to hear any and all matters that such judge sets for hearing before him/her and at such hours upon said day as the judge shall fix.

(2) Duty of Counsel. Trials will begin promptly. Trial counsel are required to report directly to the trial judge one-half hour prior to the commencement of the trial. Counsel who fail to comply with this rule may be subject to appropriate sanction.

(f) Sessions.

(1) Superior Court Sessions. There shall be one continuous session of court from January 1 until December 31 of each year.

(2) Jury Terms. Jury trials, both civil and criminal, shall be set throughout the year.

(k) Motion Day - Local Rules.

(1) Schedules. A copy of court dockets and hearing days is posted in the clerk's office, and a copy may be requested from superior court administration. Provided, however, in the event a legal holiday prevents the conduct of a docket or hearing day, the same may, on the order of the presiding judge, be rescheduled and notice thereof posted prominently in the clerk's office.

(2) Hearing Assignment. With the court's approval, any matter set on a motion docket may be assigned a specific date and time for hearing.

(3) Time Limitations. Counsel will be allowed not more than five (5) minutes each for argument on a motion, unless further time is granted by special order of the court.

(4) Presentation of Papers. At the commencement of hearing on each probate final report, the lawyer for the personal representative shall present a proposed order approving final report and decree of distribution. For good cause, the court may extend the time for presentation of such findings, conclusions, orders and decrees.

(5) Noted Cases. All materials to be considered on a motion docket, except domestic relations, must be filed in the clerk's office not later than 10:00 a.m. at least two (2) court days preceding the docket in question. A copy of any pleading filed less than five (5) working days prior to a scheduled hearing must be provided to the assigned judge, or if no judge is yet assigned, to the court administrator. If no copy is provided, those pleadings may not be considered, at the discretion of the judge.

[Amended effective September 1, 1993; September 1, 1995; September 1, 1996; September 1, 2000; September 1, 2002; September 1, 2003; September 1, 2005.]

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RULE 81.  
APPLICABILITY IN GENERAL

(c) Applicability. Procedure in this court shall be in accordance with pertinent Washington Court Rules as heretofore or hereafter adopted by the Supreme Court of Washington. These Local Rules are only to supplement those rules and are numbered, insofar as possible, to conform in numbering with them.

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RULE 83.  
LOCAL RULES OF SUPERIOR COURT

(c) Suspension. The court may modify or suspend any of these Rules, in any given case, upon good cause being shown therefore or upon the court's own motion.

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RULE 87.  
STATEMENT OF PARTIES' POSITIONS

In any petition for dissolution, legal separation, declaration of invalidity, maintenance, or support in which the parties disagree as to maintenance, support, or distribution of assets and/or liabilities, the parties shall serve upon the opposing party and the trial judge and file with the clerk a statement of their respective positions and proposals for the resolution of the contested issues. Such statements shall be served and filed not less than one court day prior to the date set for such contested matter.

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RULE 88.  
CONTESTED HEARINGS.

The following rules shall apply to all contested hearings in these domestic relations matters: motions for temporary orders, hearings to determine adequate cause, motions for contempt, and hearings on declarations for modification of child support.

(a) Discretion of the Court. The above matters will be heard on affidavits submitted in accordance with this Rule and arguments only, unless:

(1) In the judgment and discretion of the court, the facts reveal unusual circumstances which, in the furtherance of justice, require oral testimony; or, consideration of non-complying pleadings.

(b) Filing and Service of Motions, Responses, Replies, and Affidavits. Such matters shall not be heard unless affidavits are served and filed as required by this Rule.

(1) The moving party shall serve and file supporting affidavit(s) together with the petition, motion, or order to show cause.

(2) Domestic relations motions shall be filed and served upon all parties at least nine (9) court days before hearing. Responses shall be filed and served on all parties no later than 10:00 a.m. four (4) court days before hearing. Replies shall be filed and served on all parties no later than 10:00 a.m. two (2) court days before hearing.

(3) Pleadings filed after noon the day before the hearing may be considered if good cause for the delay appears within those pleadings.

A copy of any pleading filed after noon the day prior to the hearing must be given to the assigned judge. The clerk's office will not be responsible for getting late pleadings in the court file prior to hearing. The court will not consider pleadings that are filed after the noon deadline if no copy is provided to the assigned judge.

(c) Length and Format of Affidavits. The following limits shall apply, unless waived by the court upon written motion:

(1) Affidavits must be typed, double-spaced and on pleading paper. Affidavits not in this format may not be considered.

(2) Initial affidavits will be limited to six (6) pages (exclusive of exhibits) from the parties and four (4) pages from other witnesses. Each party is limited to a total of four (4) affidavits in support of or in response to a motion. The moving party may also file and serve two (2) affidavits of two (2) pages in reply.

(d) Preparation and Presentation of Orders. Temporary orders will be prepared by the party bringing the motion. The court will set a presentation date at the time of the hearing on the motion. The proposed order shall be provided to the other party or his/her counsel not less than five (5) court days prior to the presentation date. Objections to the form of the order shall be provided, in writing, not less than two (2) court days prior to the presentation date.

[Amended effective September 1, 2005; emergency amendment effective March 1, 2006; amended effective September 1, 2006; amended effective September 1, 2007.]

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RULE 89.  
VITAL STATISTICS OR OTHER FORMS.

(a) Presentation. At the time a petition for dissolution of marriage or a petition for declaration of invalidity of marriage is filed, counsel for petitioner shall file with the clerk a completed vital statistics form and such other forms as shall from time to time be mandated by the legislature. No final decree regarding such an action will be accepted for filing unless all such completed forms have been previously filed with the clerk.

(b) Delivery of Decree. In default dissolution cases, at the time of filing the decree, the lawyer for the petitioning party or the petitioner if pro se shall immediately deliver to his/her client and deliver to or mail to the other party, at his/her address, if known, or to his/her lawyer, a conformed copy of the decree with the date of filing of the original stamped on each copy so delivered or mailed.

[Amended effective September 1, 2005.]

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RULE 90.  
REFERRALS TO FAMILY COURT.

All requests for referrals to family court for investigation of any issue shall be by written motion and supported by an affidavit of the moving party setting forth all facts and circumstances indicating a need for such family court investigation. The original motion and affidavit must be presented to a judge when application for a referral to family court is made and the proposed order (available from the superior court administrator), ex parte or agreed, is presented for signature. The original referral must be filed with the clerk, but not the original of any copy of the motion and affidavit; the original motion and affidavit and a copy of the order referring the cause to

family court shall be delivered to the family court prior to the conduct of the investigation.

No contested custody or visitation cause will be assigned for trial/hearing unless a referral to family court has been made as provided in this Rule, unless waived by the court. No contested custody or visitation cause will be heard unless family court has issued a report and recommendation. The family court report will be made available not less than 20 days prior to the date of hearing. The court for good cause and upon motion may waive the requirement of a family court investigation.

[Amended effective September 1, 2005; effective September 1, 2006.]

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RULE 91.  
MANDATORY SETTLEMENT CONFERENCES IN DISSOLUTION OF MARRIAGE ACTIONS

[Repealed on an emergency basis effective May 1, 2009;  
repealed permanently effective September 1, 2009.]

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RULE 92.  
Finalizing Family Law Cases

(a) Review of Final Pleadings. All final decrees, final orders and accompanying findings of fact, conclusions of law, parenting plans, orders of child support, and child support worksheets for family law cases involving children shall be reviewed for form and completeness prior to presentation to a judicial officer by an attorney of record in the case, an attorney who approved the pleadings as to form and completeness, or the courthouse facilitator.

(b) Pro Se Parties.

(1) In a dissolution or third party custody action where the moving party is proceeding without representation by legal counsel, the party's proposed final pleadings shall be delivered to the clerk of the court at the time the matter is noted for final hearing and thereafter the clerk shall deliver said file, together with such proposed papers, to the presiding judge for review prior to the scheduled hearing date. The courthouse facilitator shall review all those pleadings and, if they appear appropriate, shall sign and file a "Certificate of Courthouse Facilitator" to that effect. The clerk of the court shall not accept for filing any such proposed final document which appears to be incomplete; with specific reference to the child support computation worksheet, all sections and parts thereof must be fully completed or marked "not applicable" where such is the case. The court will not conduct a final hearing in the matter unless the "Certificate of Courthouse Facilitator" is filed.

(c) Presentation of Papers. At the commencement of a hearing upon a default or uncontested dissolution, invalidity, legal separation, paternity, or third party custody matter, the petitioner or petitioner's counsel shall present to the court proposed findings of fact, conclusions of law, and decree.

(d) Filing Agreements and Contracts. All property settlement agreements or separation contracts reduced to writing and signed shall be filed as a part of the record of said cause.

(e) Finalization of Dissolutions by Affidavit. Parties who come to a final agreement in their dissolution case using a court-approved mediator or arbitrator (or by both attorneys if both parties are represented) may present final statutory testimony by declaration without further court appearance. The declaration must be in a form approved by the court and accompanied by a certification from the mediator or arbitrator in a form approved by the court. Both the declaration and the certification shall accompany the final papers and shall be filed with the clerk to be handled by the ex parte judge.

There shall be an ex parte fee in the amount of \$20.00 for finalization of dissolution matters by way of declaration.

The declaration and certification shall be in substantially the following format:

I, \_\_\_\_\_, am the [ ] Petitioner [ ] Respondent in this matter and make this declaration in support of the entry of final orders in this case.

1. At least one of us was a legal resident of the State of Washington at the time the petition was filed.

2. More than ninety (90) days have passed since the petition was filed, and the responding party received his / her copy of the petition.

3. We were married on \_\_\_\_\_ in \_\_\_\_\_ .

4. We separated from each other on \_\_\_\_\_ .

5. Our Marriage is irretrievably broken, and we are requesting the Court to enter a Decree of Dissolution.

6. We have agreed to a division of our property and our debts that is both fair and equitable.

7. We have [ ] no children OR [ ] the following children born as issue of the marriage who are dependent upon us for support.

Name _____	Age _____	Name _____	Age _____
Name _____	Age _____	Name _____	Age _____

The wife is not currently pregnant.

8. We have agreed to the entry of the attached Findings and Conclusions of Law, the Decree of Dissolution, and (if applicable) a Parenting Plan, Child Support Order and Child Support Worksheet.

9. The proposed agreed child support order does not deviate from the standard table amount under the support guidelines - OR - The proposed agreed child support order deviates from the standard table amount under the support guidelines for the following reasons (agreement of the parties is not sufficient):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. We are requesting the Court to enter the following name changes, which are not made to defraud creditors:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ .

\_\_\_\_\_  
Declarant Petitioner/Respondent

Certification of Mediator or Arbitrator

I, \_\_\_\_\_, a court approved mediator or arbitrator in this case certify that I have met with both parties, independently, and it is my belief that each party has entered into a final agreement on this matter freely and independently, and without threat or duress.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ at Longview, Washington under penalty of perjury.

\_\_\_\_\_  
Mediator/Arbitrator

[Original CCLCR 94.08 was adopted effective September 1, 2003; renumbered as CCLCR 92 and amended effective September 1, 2005; amended on an emergency basis effective May 1, 2009; amended permanently effective September 1, 2009.]

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RULE 93.  
PARENTING SEMINARS

(a) Applicable Cases. This Rule shall apply to all cases filed on or after September 16, 1996, under Ch. 26.09, Ch. 26.10, or Ch. 26.26 RCW which require a parenting plan or residential plan for minor children; including dissolutions, legal separations, major modifications, paternity actions in which paternity has been established, and non-parental custody actions.

(b) Mandatory Attendance. In all cases governed by this Rule, all parties shall complete an approved four-hour parenting seminar. Standards for parenting seminars shall be established by the court and providers shall be approved by the court.

(c) Timing. Parties required by this Rule to participate in a parenting seminar shall complete an approved parenting seminar within 60 days after service of the petition or motion initiating the action which is subject to this Rule. In the case of paternity actions initiated by the prosecuting attorney's office, the parenting seminar shall be required only when paternity is established or acknowledged and a parenting plan is requested.

(d) Fees. Each party attending a seminar shall pay a fee charged by the approved provider and sanctioned by the court. The court may waive the fee for indigent parties.

(e) Special Consideration/Waiver.

(1) In no case shall opposing parties be required to attend a seminar together.

(2) Upon a showing of domestic violence or abuse which would not require mutual decision-making, pursuant to RCW 26.09.191, or that a parent's attendance at a seminar is not in the children's best interest, pursuant to Ch. 26.12 RCW, the court shall either:

- (A) Waive the requirement of completion of the seminar; or,
- (B) Allow participation in an alternative voluntary parenting seminar for battered spouses.

(3) The court may waive the seminar requirement for good cause shown.

(f) Failure to Comply. Willful refusal to participate in a parenting seminar or willful delay in completion of a parenting seminar by any party may constitute contempt of court and result in sanctions, including, but not limited to, imposition of monetary terms, striking of pleadings, or denial of affirmative relief to a party not in compliance with this Rule.

[Adopted effective September 16, 1996.]

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RULE 94.  
CHANGE OF NAME OF STEPCHILD

When a change of name to that of the stepfather is

sought for a child less than 18 years of age, notice must be given to the natural father in the manner of giving notice to a non-consenting parent in an adoption, and in addition, written consent will be required of any child over 14 years of age.

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RULE 95.  
WAIVER OF AGE TO MARRY.

Applications for waiver of minimum age to marry shall be made through the family court. Applications shall contain such information and supporting documentation as may be prescribed by the commissioner of family court. Before court hearing, applicants must give evidence of completion of a program of premarital counseling by a counselor, a counseling agency, or rabbi, priest or minister, together with such counselor's recommendation, and shall be interviewed by a counselor of the family court who may offer recommendations to the court.

[Adopted effective September 1, 1995; amended effective September 1, 2000; September 1, 2003; September 1, 2005.]

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RULE 96.  
CHILD SUPPORT MODIFICATION HEARINGS.

Initial declarations and documentation in support of or in opposition to a modification of child support (RCW 26.09.175) will be filed and served by all parties not less than nine (9) court days prior to the scheduled hearing. Responsive declarations and supporting documentation, which shall be limited in scope to those issues raised by the opposing party's initial declaration, must be filed and served not less than four(4) court days prior to the scheduled hearing. Untimely declarations or documents may not be considered, may result in sanctions, or both, at the discretion of the court.

[Adopted effective September 1, 2007.]

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RULE 3.1  
RIGHT TO AND ASSIGNMENT OF LAWYER

(g) Appearance of Counsel. Lawyers representing defendants in criminal cases as retained counsel must serve prompt written notice of their appearance upon the prosecuting attorney and file the same with the clerk of the court.

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RULE 4.2  
PLEAS

(i) Plea by Court Commissioner. Pursuant to RCW 2.24.040(15) a duly appointed Superior Court Commissioner may accept a guilty plea in felony matters. After the guilty plea is accepted, the matter shall be referred to a judge for disposition.

[Adopted on an emergency basis effective April 1, 2008; adopted on a permanent basis effective September 1, 2008.]



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RULE 4.7  
DISCOVERY

(h) Regulation of Discovery.

(1) Distribution of Criminal Discovery by Counsel to In-custody Defendants. Defense counsel, without need for leave of court, may provide to his or her clients lodged in the Cowlitz County Jail all police reports, investigative reports, test results, witness statements, and any other discovery under the following limitations:

- \* The reports will be picked back up by counsel within 48 hours;
- \* All materials provided will be numbered, and counsel will confirm the return of all documents;
- \* Counsel will redact contact and financial information of all potential witnesses and any and all alleged victims before providing the material to their clients.

Should defense counsel feel that these restrictions are inappropriate in a particular case, he or she may file a motion asking for such relief as deemed necessary.

Should the prosecution feel that these restrictions are insufficient in a particular case, he or she may file a motion identifying any other conditions he or she wishes to be imposed.

[Adopted effective September 1, 2008.]

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RULE 7.3  
JUDGMENT

(a) Restitution Hearings. At the time of signing of the judgment and sentence, if the amount of restitution due has not been agreed, the court will set a restitution hearing. This hearing will be set not less than six (6) weeks from the date of signing the judgment and sentence and will not be continued.

The prosecuting attorney shall provide all information, upon which they intend to rely in setting restitution, to the defense not later than one (1) week prior to that review hearing,

In the absence of an agreement at that hearing, the court will set a date for a restitution hearing. That hearing will be set six (6) to eight (8) weeks after the review hearing and will not be continued.

The defendant, or defendant's counsel, will be required to notify the prosecutor not later than four (4) weeks prior to that hearing as to the necessity of a hearing and provide discovery of any and all information and witnesses intended to be present at that hearing.

[Adopted effective September 1, 2005.]

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RULE 3.  
ESTABLISHMENT OF CASA LOCAL RULES

(a) Title. These Rules shall be known as the CASA Local Rules for Cowlitz County, Washington.

(b) Scope. These Rules shall be applicable to all dependency cases in the Cowlitz County Juvenile Court. These cases include children who are alleged to be dependent, neglected, or abandoned; in all cases in which termination of parental rights is involved; or in any other appropriate dependency proceeding pending in Cowlitz County Juvenile Court. Once CASA has been appointed for a child(ren), that appointment will continue until further order of the court irrespective of the increasing age of the child(ren).

(c) Application. These Rules shall supplement the existing local rules and the Washington Juvenile Court Rules (JuCR) which shall apply in addition to these Rules. These Rules may be modified or waived by the sitting juvenile court judge, by special order, when, in the opinion of said Judge, such waiver or modification is necessary in order to do justice, or to arrive at the equities of the case between, or among, the parties involved. Each person appearing in this court is charged with the knowledge of all applicable rules.

(d) Definitions.

(1) Juvenile Rules Definitions. The definitions of JuCR 1.3 shall apply in these cases.

(A) "CASA" means The Cowlitz County CASA, which is the non-profit corporation that provides specially trained and sworn adults to the court as CASA volunteers. It is the designated CASA organization for all Cowlitz County CASA cases. CASA also stands for "Court Appointed Special Advocates," which refers to the organization's volunteers.

(B) A "CASA Volunteer" means a responsible adult who has been specially trained as a court appointed special advocate and who has taken a special oath from a superior court judge. The person is charged with making recommendations in the form of reports and testimony to the judge regarding the best interests of the child(ren). The volunteer serves only upon the order of and at the discretion of the judge.

i. "CASA" Volunteer Affiliate" means a CASA volunteer who has met the state training requirements to perform the duties of a guardian ad litem in juvenile court dependency matters but who is required to perform these duties under direct supervision of a CASA volunteer mentor for a minimum of six (6) months.

ii. A "CASA Volunteer Certified" means a CASA volunteer who has met the state training requirements to perform the duties of a guardian ad litem in juvenile court dependency matters and who has successfully completed a minimum of six (6) months of direct supervision by a CASA volunteer mentor as a CASA volunteer affiliate.

iii. A qualified "CASA Volunteer Mentor" means a CASA volunteer who has performed the duties of a guardian ad litem as a CASA volunteer certified for a minimum of one (1) year and has been identified by the Cowlitz County CASA as a mentor.

(C) "CASA Report" means any report prepared by the CASA volunteer addressed to the judge giving a thorough background investigation of the child(ren), including, but not limited to, information about the parents, relatives, and others who have knowledge about or concerning the child(ren). The report contains advisory recommendations as to the best interest of the child(ren).

(D) "CASA Order" means the order signed by a judge, or a court commissioner, which appoints CASA as

guardian ad litem. The order remains effective until CASA is ordered released from the child(ren)'s case.

(E) "CASA Director" means the executive director of the Cowlitz County CASA, as hired by its board of directors, or as designated by its board of directors. The CASA director is the person charged with the supervision of all CASA volunteers, CASA reports, and CASA cases.

(e) Establishment of CASA Cases and Orders.

(1) Requests for CASA. The court may appoint a CASA volunteer upon its own initiative, or a request for appointment of a CASA volunteer to a case or for a child(ren) may be made by any person or agency having knowledge of facts which indicate that a CASA volunteer is appropriate. A request for a CASA volunteer may be made by motion filed by any person or agency. The court clerk shall accept the filing of the motion and note upon it the date and time of filing.

(2) Preliminary Inquiry. Except in situations where the court orders a CASA volunteer appointed upon its own initiative, the clerk shall forward a copy of any request or motion filed to the CASA director within ten (10) days of its filing. The CASA director will make a preliminary investigation of the case. If the case appears appropriate, the director will recommend to the court the signing of a CASA order and provide the name of an available CASA volunteer. If the case does not appear appropriate, the CASA director will recommend that CASA not be appointed to the case. The preliminary inquiry shall be completed within ten (10) days of receiving the request or motion from the court clerk.

(3) Hearing. Within ten (10) days after a request or motion for a CASA volunteer is filed, the CASA director will file with the court a response to the motion based upon the preliminary inquiry conducted. Thereafter, the court may, if necessary, hold a hearing, at which time any person or agency may present proof for or against appointment of a CASA volunteer. Following the hearing, or, in the event a hearing is not necessary and the court has received a response, the court shall enter an order either granting or denying the request or motion. Notwithstanding the above, the court may enter an order appointing a CASA volunteer at any time for a child(ren) in a proceeding, upon its own initiative, during or following the preliminary inquiry and with or without conducting any hearing, by signing a CASA order.

(4) CASA Order. The CASA order may be signed by the judge or a court commissioner in any case. The order shall be effective when signed and shall continue in full force and effect until a subsequent order is signed which orders the CASA volunteer released from the case. The CASA volunteer shall continue to serve on a pending case so long as the child(ren) continues under the jurisdiction of the court. The clerk of the court shall furnish the CASA director with a copy of each CASA order within five (5) days of entry of the order. The CASA order will also be served upon all parties or their counsel of record. Each CASA order shall have a copy of the relevant petition attached and a notice of the next scheduled hearing date, time, and location.

(5) Scope of the CASA Order. Upon entry of a CASA order appointing a CASA volunteer to a case, all persons and agencies are under an obligation to cooperate with the CASA volunteer to assist in determining the best interest of the child(ren). The CASA volunteer shall have access to the child(ren) (including any child(ren) in detention), the parents, any caretaker, or any other agency or party having information related to the child(ren). The CASA volunteer has the right to inspect and/or copy any documents deemed relevant by the volunteer to the child(ren)'s situation. The CASA volunteer shall consult and work with any attorney guardian ad litem appointed for the child(ren), as is necessary. The CASA volunteer shall maintain any information received during an investigation in a confidential manner. The CASA volunteer shall not disclose any such information except in reports to the court and to

parties to the proceeding, unless disclosure of any information has been limited by the court pursuant to CASA Rule 5(c). Nothing contained in these Rules shall be construed as permitting any non-attorney CASA volunteer to practice law before the court.

(f) Guardian ad Litem Appointments.

(1) Appointment. In cases involving CASA volunteers, the court may have appointed an attorney guardian ad litem who may represent the child(ren) in all legal proceedings, and who shall then serve with the CASA volunteer to so represent the child(ren) in all legal proceedings.

(2) Legal Services. The CASA volunteer shall not act as the legal representative of any child(ren) in any legal proceeding, unless the CASA volunteer is a licensed attorney. The CASA volunteer may fully participate in any proceedings involving the child(ren) for whom the CASA volunteer has been appointed. If called as a witness by the court or any party, the CASA volunteer shall testify as a witness in any proceeding.

(3) Compensation. The CASA volunteer shall not receive any compensation from the court or from any party to the proceedings. The CASA volunteer serves the court and as such shall receive no compensation or remuneration.

(4) Release. A CASA volunteer who wishes to be released from a case shall so petition the court, having first obtained the approval therefor from the CASA director.

(g) CASA Court Attendance and Reports.

(1) Attending Hearings. The CASA volunteer is charged with the notice of all hearings which involve the child(ren) assigned, and will attend all such hearings. In the event of a conflict, the CASA volunteer may request a continuance for good cause shown or may be excused by the court from appearing. Any party may call the CASA volunteer as a witness in the proceeding. CASA may be compelled to attend by any party with the service of a subpoena for the CASA volunteer, made by service upon the volunteer or by serving the CASA director, giving at least five (5) days' notice prior to the hearing, excluding Saturdays, Sundays, and legal holidays.

(2) Filing Reports. The CASA representative shall, absent special circumstances or unless excused by the judge, submit a written report at least five (5) working days prior to each dispositional or review hearing involving the child(ren). The report shall be addressed to the judge and shall contain such attachments and documents as are relevant to the proceedings. The report when filed shall become a permanent part of the applicable juvenile court legal file. The volunteer shall sign the report, but not under oath. The court is in no way bound by or obligated to adopt any CASA recommendations, the report being advisory in nature.

(3) Inspection of Reports; Confidentiality. Generally, the child(ren), the attorney, the parent, guardian or legal guardian, the attorney guardian ad litem, and any state or other agency involved in the proceedings, shall be entitled to inspect the CASA report, and all documents attached thereto except that information protected from disclosure by law. However, the court, in its discretion, may decline to permit inspection of CASA reports, or portions thereof, to anyone other than a party or an attorney of record in the proceeding, if it determines that such inspection would be detrimental to the child(ren). The court shall issue such orders as are necessary to maintain the confidential nature of information so classified.

(h) Special Compliance Reviews. The CASA volunteer is responsible for monitoring compliance with all court orders issued in any case or proceeding involving the child(ren) for whom the CASA volunteer was appointed. To that end, in the event that the CASA volunteer believes that any court orders are not being complied with by any party, and the volunteer's efforts to obtain compliance have been

unsuccessful, the volunteer may request the clerk of the court to place the case on the court's docket for early review, and the clerk shall give notice thereof. The judge may then examine the CASA volunteer, and any other witness, at a hearing to determine compliance or non-compliance with its orders. The court may issue such remedial order(s) as may be necessary or may issue a show cause order to any party to determine why compliance with its orders has failed. Special reviews may also be conducted by the court to determine compliance with the CASA order by any person or agency as described in CASA Rules 3(d) and 3(e).

[Adopted effective May 1, 1994; amended effective September 1, 2000; September 1, 2005; September 1, 2006.]

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RULE 7.  
GUARDIAN AD LITEM DISCIPLINARY PROCEDURES

(a) There shall be a complaint review committee, hereinafter referred to as the "committee," consisting of three (3) individuals designated by the superior court judges of Cowlitz County. The committee is empowered by the court to review all complaints made regarding the guardian ad litem services provided in the Cowlitz County Superior Court in matters under Chapters 11, 13 and 26 RCW and GALR

7. One member of the committee shall be a superior court judge.

(b) All complaints must be in writing and must be submitted to the complaint review committee. Complaints shall remain confidential until resolved.

(c) Upon receipt of a written complaint concerning a CASA volunteer, the superior court judge shall advise the director of the Cowlitz County CASA of the complaint. If the judge finds the complaint sufficiently serious, the matter will be referred directly to the committee. Otherwise, the complaint will be forwarded to the director who will meet with all parties involved in the dispute in an attempt to resolve the problem at the director's level.

(1) A copy of the complaint and the resolution or lack of resolution shall be forwarded to the juvenile court administrator.

(2) If the complaint is not resolved to the satisfaction of the complainant, the matter will move to (d) of this policy. Complaints regarding guardians ad litem who are not part of the CASA program will be handled per (d) of this policy.

(d) Upon receipt of the written complaint (unresolved) and findings from the director of the Cowlitz County CASA, or upon a direct referral from a judge, the juvenile court administrator shall convene the committee within ten (10) business days to review the complaint. Upon review of the complaint, the committee shall either:

Make a finding that the complaint has no merit on its face, and decline to review the complaint and so inform the complainant; or

Make a finding that the complaint does appear to have merit and request a written response from the guardian ad litem within ten (10) business days, detailing the specific issues in the complaint to which the committee desires a response. The committee shall provide the guardian ad litem with a copy of the original complaint. The failure of a guardian ad litem to respond within the required ten (10) business days, in the absence of good cause shown, will result in the immediate suspension of the guardian ad litem from all registries.

In considering whether the complaint has merit, the committee shall consider, but not be limited to, whether the complaint alleges the guardian ad litem has:

- (1) Violated the code of conduct;
- (2) Misrepresented his or her qualifications to serve as a guardian ad litem;
- (3) Not met the annual training update requirements set forth in the statute;
- (4) Breached the confidentiality of the parties;
- (5) Falsified information in a report to the court or in testimony before the court;
- (6) Failed to report abuse of a child;
- (7) Communicated with a judicial officer ex-parte;
- (8) Represented the court in a public forum without prior approval of the court;
- (9) Violated state or local laws, rules, or this policy in the person's capacity as guardian ad litem; or,
- (10) Taken, or failed to take, any other action which would reasonably place the suitability of the person to serve as a guardian ad litem in question.

(e) Upon receipt of a written response to a complaint from the guardian ad litem, the committee shall, within ten (10) business days, make a finding as to each of the issues delineated in the committee's letter to the guardian ad litem that either there is no merit to the issue based upon the response of the guardian ad litem or that there is merit to the issue. The committee may, at its discretion, extend the time for entering findings to conduct additional investigation if necessary; however, in no case shall that extension be for more than twenty (20) business days and the guardian ad litem shall be notified.

(f) The committee shall have the authority to issue a written admonishment, written reprimand, refer the guardian ad litem to additional training, recommend to the presiding judge that the court, upon its own motion, remove the guardian ad litem from the current case or suspend or remove the guardian ad litem from the registry. In considering a response, the committee shall take into consideration any prior complaints which resulted in an admonishment, reprimand, referral to training, removal of the guardian ad litem from a particular case, or suspension or removal from a registry. If a guardian ad litem is listed on more than one registry, the suspension or removal may apply to each registry the guardian ad litem is listed on at the discretion of the committee.

(g) The complainant, the guardian ad litem, and if the guardian ad litem is a CASA volunteer, the director of Cowlitz County CASA, shall be notified in writing of the committee's decision within ten (10) business days of receipt of the response of the guardian ad litem or longer if additional time for investigation is necessary pursuant to paragraph (e) above.

(h) A guardian ad litem may, within five (5) business days of receipt of notification that he/she has been suspended or removed from a registry, request a hearing on the committee's decision. The presiding judge shall designate a hearing officer. The sole purpose of the hearing shall be to review the appropriateness of the suspension or removal from the registry. The hearing officer shall review the written record of the instant complaint and any prior complaints the committee considered, and hear oral arguments from the guardian ad litem or his or her representative and a representative of the committee. Said hearing shall be conducted within twenty (20) days of the receipt of the request for the hearing. The decision of the hearing officer shall be final and binding upon the parties.

[Adopted effective September 1, 2002.]

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RULE 2.4  
HOW TO INITIATE AN APPEAL

(b) Filing Fee.

(1) If the party seeking to appeal has had judgment rendered against him or her in an infraction or other civil matter and has not been declared indigent in a court of limited jurisdiction, any application for a waiver of filing fee in superior court must be approved by a judge of the superior court. The office of the county clerk will furnish application forms for such fee waiver.

[Amended effective September 1, 2005.]

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RULE 2.6  
CONTENT OF NOTICE OF APPEAL

(c) Designation of Claimed Errors.

(1) Identification. The appealing party shall identify in writing, as to each claimed error, by reference to the numerical (digital) count on the electronic record as disclosed by the log, the beginning and the end of each portion of the recorded proceedings relevant to the claimed error.

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